

1897-019 Chancery Causes: J. T. Giles & vs. Mary Rasnick, widows &
Lee Co.

Merriman, Flanary, Vencil

1 Plat

CH-Debt
T-Property

-Deed

1 Virginia.

2 To the honorable H. S. K. Morrison Judge of the Circuit
3 Court of Lee County Virginia.

4 Humbly Complaining your orators J. T. Giles & W. B. Merriam
5 citizens of said county and State, and creditors of J. J. Rasnick
6 deceased, who sue on behalf of themselves and all other
7 creditors of the said J. J. Rasnick decd, who shall come in
8 take part in and share the costs of this suit, would respectfully
9 represent and shew unto your honor, that the said J. J. Rasnick
10 on the 15th day of January 1891, together with your orator,
11 J. T. Giles, his security, executed their writing obligatory, to
12 William Jayne, Administrator of the estate of C. L. Owens
13 deceased, whereby they bound themselves to pay to said Jayne
14 sum as aforesaid, twelve months after the date of said
15 writing obligatory, the sum of \$56.10, and waived their
16 homestead exemption as to said debt, which writing obligatory
17 is herewith filed marked "A" and pray
18 as part hereof, afterwards on the day of
19 the said J. J. Rasnick departed this life, without having paid
20 said debt, and your orator as his security, paid the same to
21 said Jayne, sum as aforesaid, and your orator, W. B.
22 Merriam, would respectfully represent and shew unto your
23 honor, that the said J. J. Rasnick on the 25th day of March
24 1890, together with H. J. Geary & your said orator his securities,
25 executed their writing obligatory to William Jayne, whereby
26 they bound themselves to pay to said Jayne, one day after the
27 date thereof, the sum of \$100.00, and waived their homestead
28 exemptions as to said debt, which writing obligatory is here
29 with filed marked "B", and prayed to be considered as part
30 hereof, and afterwards, to wit on the day of 189
31 the said J. J. Rasnick departed this life, without having paid
32 said debt, and your ^{said} orator, as one of his securities, on the 24th

1 day of Nov^r 1892, paid said debt to said Payne. And your
2 orators are advised that by the payment of said notes by
3 them respectively to the sum of thereof, they respectively be-
4 came substituted to the rights of the original holder,
5 or obligee, as against the estate of said Rasnick decd, and
6 entitled to demand and compel payment thereof to them
7 respectively of the amounts of said notes.

8 And your orators further shew unto your honor that the
9 said J. J. Rasnick in his lifetime, and at the time of his death,
10 ^{deceased} was possessed of a valuable real and personal estate in Hancock
11 County, State of Tennessee, ^{and in this, Lee County Va.} his real estate consisting of ^{acres}
12 lying and being in said County of Hancock State of Tennessee, in
13 part, and partly in Lee County Virginia, the tract being situated
14 on both sides of the line between said States; that letters
15 of administration on his personal estate, in the ^{State of} Ten-
16 nessee, were granted to one J. C. Gillen.

17 Administration on his personal estate in Va, was ⁱⁿ honor
18 at the ^{term} 1891, committed to C. E. Flanery Sheriff
19 of the County of Lee; that the said Gillenwaters in course
20 of administration, in the said State of Tennessee, paid on
21 said two notes, to your orators respectively, to the extent of
22 ^{about} 50 per cent of the amount thereof, being as much, as claimed
23 by him, as the personal estate in his hands would pay, and
24 which payments are credited on said notes, and the residue
25 of said notes is still due and unpaid to your orators respectively.
26 The said Flanery has not settled his administration account.
27 That part of the said tract of land lying in this County, contain
28 ^{acres}, and adjoins the lands of Wm Vineck & others.

29 The said decedent at the time of his death, ^{probably} owned a
30 considerable amount of debts, ^{+ those yet unpaid probably} amounting in the aggregate to
31 a sum in excess of the amount of his personal ^{estate} that came to the
32 hands of his Admin in this County, and resort will have to be

1 had to the real estate in this County for payment thereof.
2 The said decedent left surviving him a widow, Nancy
3 Rasnick, and the following his children and heirs at law
4 to wit: - Wm Rasnick, Bradley Rasnick, Alexander Rasnick,
5 Brit Rasnick, Minnie Rasnick, Kitty Rasnick, Otto Rasnick,
6 Rosa Rasnick who are ~~are~~ nonresidents, and the said child
7 all infants. The object therefore of this suit is to marshal
8 the assets both real and personal of said estate, convene the
9 creditors of said estate, and ascertain the indebtedness thereof
10 and the priorities, if any; to settle the account of the said C. E.
11 Flavery administrator of said estate, and ascertain the fund
12 in his hands to be applied to the payment of said debts, and
13 who is entitled to the same, and if necessary to have so much
14 of the real estate sold, subject to the widow's dower, as
15 may be necessary to pay said indebtedness and, if neces-
16 sary, to have dower assigned to the said widow. ~~Real~~
17 of the tract of land that lies in Va. but the
18 allege will not be necessary or proper, because a part
19 of the tract on which the dwelling and other improvements
20 are situated is in Tenn., and the dower of the widow
21 should, as they allege be assigned there, and this they ask
22 shall be done, and that portions of the tract in Va. be sold
23 free from dower. In consideration thereof they pray that the
24 said Nancy Rasnick, ^{widow, and} Wm Rasnick, Bradley Rasnick, Alexander
25 Rasnick, Brit Rasnick, Minnie Rasnick, Kitty Rasnick, Otto
26 Rasnick + Rosa Rasnick ^{+ C. E. Flavery} ~~he~~ ^{Adm of J. J. Rasnick decd.} made the parties
27 defendants to this bill and answer the same, but they need
28 not do so on oath, that a guardian ad litem be appointed &
29 answer for the said infants, that process issue directed &c,
30 that all proper orders and accounts be directed and taken; that
31 the creditors of the said J. J. Rasnick be convened before a
32 Commissioner of this Court, and the amount of their debts & priorities

1 he established; that the account of the said administrator
 2 be settled and the funds in his hands ascertained, and it
 3 together with the real estate or so much thereof as may
 4 be necessary be subjected to the payment of said indebtedness
 5 And that all such other further and general relief may be given
 6 as in the premises is just and right. And your orators will
 7 ever pray &c.

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To the honorable W. T. Miller Judge of the
circuit Court of Lee County Virginia.
Your petitioner J. T. Giles would respectfully
represent and shew unto your honor,
that at the February term 1896, of the
County Court of said county, E. W. R. Ewing
Commissioner in the Chancery cause of
your petitioner & W. B. Merriman plaintiffs
against Nancy Rasmick et als defendants
pending in your honor's Court, sold the
land in said cause mentioned and decreed
to be sold for the sum of \$52.00, ^{in the absence of your petitioner} and the
said W. B. Merriman becoming the purchaser
thereof. This sum only being sufficient to
pay the costs of suit and \$2.00 in excess
thereof; and being less than the said land
is worth. Your petitioner proposes an upset
bid on said land, and will bind himself
on a resale thereof to make the same bring
the sum of seventy five dollars. Your petitioner
has executed & presents with this his petition
a bond with security in the sum of Two
hundred dollars conditioned, to make said
land on a resale, bring the said sum of
\$75.00 and to secure the payment thereof.
And your petitioner will ever pray &c.

J. T. Giles.

By Orr Blankenship Ewing, his
Counsel.

J. T. Giles et al

vs { Petition for Writ
3 lib

Nancy Rasmick et al.

Virginia:

In the circuit Court of Lee County.

At 1st July Rules, 1894.

The answer of Wm Rasnick, Bradley Rasnick, Alexander Rasnick, Bert Rasnick, Minnie Rasnick, Kitty Rasnick, Etta Rasnick and Rosa Rasnick, infants, by Wm A. Orr their Guardian ad litem to a bill in equity filed ⁱⁿ this Court against these ~~respondents~~ ^{wards} and others by J. T. Giles and W. B. Morrison.

For answer the Guardian ad litem says that he answers ^{and} all proper exceptions to Complainants bill; that he has never seen either of his wards and that he knows of no defense that ~~he~~ can make to said bill; that he knows nothing about the matters therein stated and therefore neither admits nor denies any allegations therein stated; that in as much as his wards are young and out of the State of Virginia he asks that Complainants be held to strict ~~proof~~ ^{proof} of all they charge. Having fully answered your respondent begs to be hence dismissed with his costs.

Wm A. Orr Guardian
ad litem.

Nancy Rasnick et al
advs. Ans. G. A. L.

J. L. Giles et al
Filed, Feb by the 3rd 1894
A. B. Munsey Clerk

Swoon to before me this
the 3rd day of February
1894 A. B. Munsey Clerk

Fee \$5⁰⁰
Paid in full.

J. P. Giles et al.
vs. } In Equity.
Nancy Rasmick et al.

This cause came on again this day to be heard upon the facts formerly read, and the report of special commissioner E. W. R. Ewing, filed March 10, 1897, together with the deed executed by him as such commissioner to the purchasers J. B. Rasmick, G. C. Rasmick, and was argued by counsel; on consideration whereof, there being no exceptions to said report, it is ordered, adjudged and decreed that the same be and is hereby confirmed; and the said deed having been seen and inspected by the court, it is further ordered that upon payment to the clerk of this court of \$3⁰⁰ for the benefit of said commissioner, he deliver the said deed to said purchasers; execution may issue for the said sum of \$3⁰⁰. Said commissioner will report disbursements of costs yet in his hands as shown by former report, and the cause is continued.

W. L. Rasmick

J. T. Giles et al.
v. } Decree Conf. Dand,
Honey Rosnick et al.

Eu. C. O. B. p. 564.

Enter this

W. L. M.

Month 10, 1897.

J.T.Giles et als.

vs.

Nancy Rasnick et als.

This cause came on again this day to be heard upon the papers formerly read in the cause, the report of E.W.R.Ewing filed in said cause on the 22ond day of May 1895 and another report of said Ewing commissioner filed on the 2on day of March 1897, and was argued by counsel, and it appearing from the report of Commissioner Ewing ~~XXX~~ filed on the 22ond day of May 1895, that J.T.Giles had become the purchaser of the land in the bill and proceedings mention at the price of \$75. and that said purchaser had complied with the terms of sale, and it further appearing from said Commissioner's report filed on the 2ond day of March 1897, that the said Giles had transferred his interest in said purchase of said land to David Banner and H.T.Ferguson, who had paid therefor, and it now being admitted by a written paper filed in said cause, signed by David Banner and H.T.Ferguson, that they had paid for said land for J.B.Rasnick, A.J.Rasnick, G.C.Rasnick and W.L.Rasnick, and that ~~he~~ desired the deed for said land to be made to them, and there ~~be~~ having been no exceptions filed to either of said reports, it is adjudged ordered and decreed that said reports and the sale therein reported be and they are hereby confirmed, and commissioner Ewing is directed to ~~pay~~ pay out to those entitled the money shown by his reports, to have been received by him, but in making said payments said Ewing is to have credit for any sums heretofore paid by him. And it further appearing to the court that the said Rasnicks above named are now entitled to a deed for said land, it is adjudged ordered and decreed that E.W.R.Ewing who is appointed a special Commissioner for the purpose do convey the land sold by him to the said J.B.Rasnick, A.J.Rasnick, G.C.Rasnick and W.L.Rasnick, by deed with covenants of special warranty, he will report his action and the payments made by him to a future term of this court and the cause is continued.

J. T. Giles et al
vs - $\frac{1}{3}$ Decree
Nancy Rasnick et al
Eu. C.D.B. p. 550.

Enter this Decree
WM ZM
March 8th 1897

J. T. Giles & W. B. Meriman Plffs }
against } In Chancery.
Nancy Rasnick et als } Defts

This cause came on again to be heard upon the papers formerly read in the cause, and the report of Special Commissioner, E. W. R. Ewing, of the sale of the land in the bill mentioned, filed in the cause February 22nd 1895; and the petition of said J. T. Giles, proposing an upset bid on said land, and his bond with said petition, and was argued by counsel. On consideration thereof said petition is ordered to be filed in the cause, and, pursuant to the prayer of said petition, it is adjudged, ordered and decreed that the said sale by Comr Ewing be and is hereby set aside and a resale of said land is ordered. And it is further ordered that said Commissioner, Ewing, do proceed again to sell said land at the place, upon the terms and in the manner heretofore directed, and after advertising the time, terms and place of sale, as in the decree in said cause heretofore directed, and upon said resale of said land, said Commissioner will start the same at the upset bid of said J. T. Giles, to wit: the sum of seventy five dollars, and will sell the same to the highest bidder, should there be any bid or bids in excess of said sum. Said Commissioner will report his action to some

J. L. Giles & H. B. Merriman

vs Decree No 3.

Nancy Bassick et al.

O. B.

Page 133

Enter this decree

M J M

Nov 7th 1895.

future term of this Court, and the cause is
continued.

J. T. Giles & W. B. Merriman

Plffs

against

Nancy Rasnick. et als.

Defts

In Chancery.

This Cause came on to be heard upon the bill of the plaintiffs and exhibits therewith, the process duly executed on the adult defendants, and the answer of the infant defendants by ^{Thm} A Orr their guardian ad litem, and replication thereto, and was argued by Counsel, and the adult defendants failing to appear and ^{demur} plead or answer, the bill is taken for confessed against them. On consideration thereof it is adjudged, ordered and decreed that ^{Thm} A Orr, who is appointed a Commissioner for the purpose do take, state and settle the administration account of C. E. Flanery Admr of the estate of J. J. Rasnick deceased, and report what assets if any are in his hands for the payment of debts against said estate, said Commissioner will also ascertain and report the outstanding indebtedness ^{of} against said estate, who in favor of and the priorities if any, also what real estate there is belonging to said estate in this State & County, and where situated and the annual rental value ^{thereof}, and whether the same will have to be sold to pay said indebtedness, together with any other matter deemed pertinent by himself or required by the parties, ^{Said Commissioner will give} and the Cause is continued. due notice of the time and place of its sittings, and report his action to the Court, And the Cause is continued.

J. L. Giles + W. B. Merriman
vs Decree for acct.

Nancy Rasmick et als.

ECOR Page 570
Mch 10th 1894

Enter this decree.
H. S. K. M.

Mar 10 1894.

of the Court house of this County, on some Court day, to the highest bidder on a credit of ~~ten~~^{one} and ~~eighteen~~^{two} ~~months~~^{years} time, the land in the bill mentioned, Subject to the dower of the said widow, or a sufficiency thereof to pay the said debts reported by said Commissioner Or and the costs of this suit and expense of sale, except the said costs of suit and expense of sale will be required to be paid in hand, and for the deferred payments bonds with security will be required of the purchaser bearing interest from date; and the report of said Commissioners assigning dower to said widow, Nancy Rasnick, will be delivered by the Clerk of this Court to the Clerk of the County Court of this County for recordation. Said Commissioner E. W. R. Ewing before acting under this decree, will execute bond before the Clerk of this Court in the sum of \$250 00 Conditioned according to law, and he will report his action under this decree to some future term of this Court. And the Cause is Continued.

J. T. Giles et al

vs { Decree to 2.
3

Nancy Kasnick et als.

Entered in

Order Chancery

Book & Page 88

Enter this decree.

M. J. M.

Nov 14 1894.

J. T. Giles & W. B. Merriman Plffs }
vs } In Chancery.
Nancy Rasnick et als. Defts }

This Cause came on again to be heard upon the papers formerly read in the cause, and the report of Mr A Orr Commissioner filed in the Cause March 26th 1894. to which there are no exceptions, and was argued by Counsel. On consideration thereof said report is confirmed, and it is adjudged, ordered and decreed that C. C. Elliott, L. B. Duillen and J. F. Haben, who are appointed Commissioners for the purpose, do lay off and assign to Nancy Rasnick, widow of J. J. Rasnick deceased, her dower in the land owned by him at the time of his death, in this County and State, and in said report mentioned, and they will report their action to the next term of this Court. And it being suggested to the Court that there are other debts against the estate of said J. J. Rasnick deceased not reported by said Comr Orr, it is ordered that he ascertain and report any other outstanding debts against said estate and their priorities if any. And the Cause is continued.

J. L. Giles & H. B. Merriam

vs { Decree No 2.

Nancy Rasnick et als

Entom Chy. Ord Book P³³

Enter this decree.

W J M

June 14 1894.

Virginia

At a circuit Court continued
and held for Lee County at Court-house
thereof on Thursday June the 4th 1894.

J. T. Giles and W. B. Merriman Plffs
against
Nancy Rasnick et als Defs } In Chancery

This cause came on again to be heard
upon the papers formerly read in the cause, and
the report of Mr. A. Orr Commissioner filed in the
Cause March the 26th 1894. To which there are no exceptions
and was argued by counsel. On consideration
thereof said report is confirmed, and it is ad-
judged ordered, and decreed that L. B. Elliott
L. B. Quillen and J. F. Headen who are ap-
pointed Commissioners for the purpose do
lay off and assign to Nancy Rasnick widow
of J. J. Rasnick deceased, her dower in the
land owned by him at the time of his
death, in this County and State, and in
said report mentioned, and they will report
their action to the next term of this Court.
And it being suggested to the Court that there
are other debts against the Estate of said J. J.
Rasnick deceased not reported by said
Comm'r Orr. it is ordered that he ascertain
and report any other outstanding debts
against said Estate and their priorities

J. T. Giles et al
vs } Copy Decree
of
Nancy Rasnick
To Nov Term 1894

Executed by
delivering a true
copy of the within
Decree to L. B. Duellen
and J. H. Header
this Oct 4 - 1894.
J. M. Weston Esq.
for C. E. Flannery
S. L. C.

Clerks fee for copies \$1.00

if any. And this cause is continued
at Copy Note
A. B. Munsey, Clerk.

Virginia

At a circuit Court continued
and held for Lee county at the court-
house thereof on ~~Saturday~~ Thursday
June the 14th 1894

J. T. Giles and W. B. Merriman Plffs
against
Nancy Rasnick et al Defts } In Chancery

This Cause came on again to be
heard upon the papers formerly read in the
Cause and the report of Wm A Orr Commis-
sioner filed in the Cause March the 26th 1894
to which there are no exceptions and was
argued by counsel. On consideration thereof
said report is confirmed, and it is adjudged,
Ordered, and decreed that L. B. Elliott, L. B.
Quillers and J. F. Headen who are appointed
Commissioners for the purpose, do lay off
and assign to Nancy Rasnick widow of
J. J. Rasnick deceased, her dower in the land
owned by him at the time of his death, in
this county and State, and in said report
mentioned, and they will report their action to
the next term of this Court. And it being
suggested to the Court that there are other debts
against the Estate of said J. J. Rasnick deceased
not reported by said Commissioner. Orr it
is ordered that he ascertain and report any

other outstanding debts against said estate and their priorities if any. And this Cause is continued,

A Copy Teste

A. B. Munsey Clerk

J. J. Giles et al
vs } Copy of Decree
Nancy Rassnick et al
November Term 1894

Clerk fees for Copies \$1.00

1 Virginia: In the Circuit Court of Lee County.

2 J. T. Giles & W. B. Merriam

3 vs

4 Nancy Rasnick et al. In Chancery

5 The deposition of J. T. Giles taken in the
6 above styled Cause by Consent of
7 Complainants and the Guardian ad
8 litem for the infand defendants, which
9 when taken is intended to be read
10 as evidence for Complainants in
11 the matter of account pending in
12 said Cause before Hon. A. Ott, Commissioner

13 J. T. Giles a witness of lawful age
14 being duly sworn deposes and
15 says that he is acquainted with
16 the land in the bill mentioned; that
17 there is about 15 or 12 acres of cleared
18 land - quality is poor; that a
19 fair rental value per annum
20 is in witnesses opinion not more
21 than \$12⁰⁰ Witness thinks that
22 the land mentioned in the bill does
23 not exceed 25 or 30 acres, if that.

24 J. T. Giles
25 Jonesville, Lee Co., Va

26 The above deposition of J. T. Giles was taken,
27 subscribed and sworn to at my Office
28 in Jonesville, Va on the 19th day of
29 March, 1894.

30 Wm A. Ott, Comm.

31 The deposition of Nancy E. Rasnick a witness
32 of lawful age being duly sworn deposes and

Wit. 50

75

Wit. 50

1 and says: That she is ~~forty~~ ^{over} ~~one~~ years
2 of age; that she is the widow of J. J. Rasnick,
3 deceased; that the land named in the bill
4 contains about ~~about~~ 25 or 30 acres of
5 which there is about 12 acres cleared;
6 that it would rent for about 12 \$ per
7 annum; that there is about 150 acres
8 on the Tenn side of the state line on
9 which the buildings and improvements
10 are; that no down has ever been
11 assigned her either in Va or Tenn, that
12 she claims down in the land in
13 Va in kind *part of 20000*

14
15 The deposition of Wm D. Vincil and the
16 witnesses of lawful being duly sworn deposes
17 and says: That he is acquainted with
18 the land in the bill mentioned; that he
19 thinks there is about 20 or 25 acres of it
20 & that there is about 12 acres cleared
21 and that it would rent for about
22 \$12 ^{per} ~~per~~ annum; that all the
23 improvements are on the Tenn land
24 and that there is about 150 acres
25 on the Tenn side.

26 *Wm D. Vincil*
27 The foregoing depositions of ^{Mark} Harvey Rasnick
28 and Wm D. Vincil were duly taken, sub-
29 scribed and sworn to before me this
30 March 24th 1894.

31 *Wm A. Orr, Clerk.*
32

J. T. Miles et al

Depositions

Nancy Rasmick et al

"O"

Virginia:

In the Circuit Court of Lu County.

J. T. Giles ^{vs} W. B. Merriman } In Chancery.
Nancy Rasnick et al

To the Hon. H. S. K. Morrison,
Judge of said Court.

Your undersigned Commissioner begs leave to report, that he proceeded to discharge the duties required of him, at his Office in Jonesville, Va, on the 24th day of March, 1894. That before doing so he gave actual notice, and posted written notice at the front door of the Court-house of Lu County, Va, of the time and place and purpose of his sitting.

C. E. Flannery, Shff, & as such, Admin^r of the estate of J. J. Rasnick, dec'd, appeared before your Commissioner and stated that no estate had come into his hands and that he could not learn of any one that there is estate that ought to be taken charge of by him.

The depositions of witnesses here filed marked "O" show that J. J. Rasnick's Estate owns about twenty five acres of thin land in this County, and the records on file in the Clerk's Office of the County Court show about as much. — And, said depositions also prove that Nancy Rasnick, widow of J. J. Rasnick, is entitled to dower in said land, and that her age is now forty one years, and that dower has never been assigned her. She

1 Claims done in kind, and the
2 land will have to be sold subject
3 to the same - unless the Court should
4 be of opinion that said land should
5 be sold free from dower and that
6 she take the present value therefor
7 in money. Should the Court take
8 the last named view of the matter
9 the widow will be entitled to $\$22\frac{40}{100}$ out
10 of each $\$100\frac{20}{100}$ of the price of said land. The rental
11 value of the land is shown to be $\$12\frac{00}{100}$ per
12 annum. So a sale will have to be decreed.

13 There is a judgment in this Court,
14 not barred by limitation, and not paid,
15 in favor of Morgan and Armstrong against
16 O. T. Spencer and J. J. Rasmick, for $\$100\frac{00}{100}$
17 with interest thereon from March 8 - 1890
18 and $\$8\frac{61}{100}$ Costs. Judge Morgan informs
19 me that O. T. Spencer is the principle in
20 this matter and that J. J. Rasmick is
21 security. It further appears from a
22 suit of Hayner, Henson & Co vs O. T.
23 Spencer now pending on the Chancery
24 docket - of this Court - that this judgment
25 has been reported in said Chancery
26 cause and that the land of O. T. Spen-
27 cer has been sold for a sufficient
28 amount to pay all that is reported
29 against it. Though, no payment on this
30 judgment has been actually made. But
31 under the circumstances it is not ^{at} all
32 probable that the estate of J. J. Rasmick will

1 be called upon to pay any part of this
2 judgment.

3 Your Honor finds by calculation that there
4 is due the plaintiff J. J. Giles, as of this date
5 the sum of \$25.³³

6 And that there
7 is due the plaintiff W. B. Murrinan as of
8 this date the sum of \$57.11.

9 There are all the claims laid
10 before me or of which I have any
11 knowledge — and the claims of the
12 plaintiffs are of equal dignity, and
13 the entire indebtedness of said estate,
14 if we estimate the costs of this
15 suit at \$40.⁰⁰ is \$122.⁴⁴

16 Respectfully Submitted,

17 Wm. A. Orr, Clerk

18 Your Commissioner further finds that
19 J. J. Rasnick, for medical attention,
20 owes Dr. W. H. McNeil, the sum of
21 \$26.⁰⁰ as of Sept 20th. 1891.

22 Respectfully Submitted,

23 Wm. A. Orr,

24 Special Commissioner

J. T. Giles et al
vs } Leon Com A. Orr's Report

Nancy Resnick et al

Exhibit "Q" filed.

Filed March the 26th 1894

A B Munsey
Clerk

Witnesses for:

Nancy Resnick - - - 50¢

Wm D. Veneill - - - 50¢

Commissioners fee \$ 5.00

Asst. Com. \$6.00
Wm A. Orr Comr.

Virginia:

In the Circuit Court of Lee County,
J. T. Giles & W. B. Merriam

vs

In Chancery

Nancy Rasnick et al

To the Hon. W. S. Miller, Judge of said Court:

Your undersigned Commissioner begs leave to report; That he has proceeded to discharge the duties required of him, at his Office in Joursville, Va on the 24th day of August, 1894, and on succeeding days, after having given all parties written and posted notice, a copy of which is here filed marked "A", and a copy of the decree under which your Commissioner acted is here filed marked "B."

Your Commissioner finds the additional debts referred to in said decree to be

1st

A balance on a note signed by J. J. Rasnick, and due to J. T. Giles, of \$2.62 as of Sept 17th 1894. Marked "One."

2nd

A balance on a note also signed by J. J. Rasnick and executed to Wm Jayne and by him assigned to J. T. Giles of \$11.74 as of Sept 16th 1893, which note is here filed marked "Two."

Respectfully Submitted,

Wm A. Orr, Comr

* 3rd. A decree of Circuit Court of Lee County Va in favor of David Brunner for costs for \$28.78

J. T. Giles et al

v.s. } Louis Orr's 2nd Report-

Nancy Rasnick et al

Filed September the 19th
1894 A.B. Munsey
Clerk

Louise's fee .75¢

To the Honorable W.T. Miller, Judge of the Circuit court of Lee
Your commissioner in the case of T.J. Giles, et al vs.
Nancy Rasnick would respectfully report that pursuant to the a
decree of your Honor's at the Nov. term of the court, after
the required notice he proceeded to offer for sale on the
terms specified in the said decree the land in the bill men-
tioned. At said time W.B. Merriman bid the sum of \$52.00 for
the entire tract subject to the widow's dower. This being the
highest and best bid the said land was knocked down to him.
He has complied with the terms of the sale and your commis-
sioner therefore recommends that the sale be confirmed. This
sale was made at the front dooor of the court house at the
February term of the county court, this being the 18 day of
said month. As will be seen by an inspection of the papers, the
costs in this case exclusive of commission, which was not
charged, amounted to \$50.00, which amount was paid in cash as
required, and notes with good security executed for rem.

Respectfully submitted,

E. W. R. Ewing,

Special Commissioner.

T. J. Giles et al.

v. J. Rept. of Sole.

Nancy Rosnick.

Filed Feb'y the 22nd 1895
A B Munsey, Clerk

J.T.Giles et al

vs.

Nancy Rasnick et al.

In Chancery.

In the above cause, your commissioner begs to report that pursuant to the decree rendered in this cause at the March term, 1895, of your Honor's court, on the ~~10th~~ ^{at front door of Court house} day of May, 1895, that being the first day of the May county court, he exposed for sale the land in the bill and proceedings mentioned, and on the terms in the decree set out, to wit: costs of suit cash in hand, and balance on one and two years, interest from date. On this exposition of the said land, J.T.Giles, in accordance ~~with~~ ^{with} his upset bid filed in this cause at the said last term of this court bid the sum of \$75.00, and this being the highest and best bid, the same was knocked down to the said Giles. He has complied with the requirements of the decree by paying the costs of suit down, and by executing his bonds ~~of~~ ^{for} the remainder, payable in one and two years, with ~~interest from date~~ ^{interest from date} as security, which your commissioner regards as ample.

Your commissioner therefore recommends that this sale be confirmed to the said Giles, that he be directed to collect the said bonds when they become due, and pay the same to those entitled thereto, and that he be directed to pay the costs to those to whom it is due.

~~And he will report his action to a future term of this court, and the cause is continued.~~

Respectfully submitted.

E. W. R. Evening

Commissioner.

J. T. Giles et al
vs. } 2nd Rept. of Sale

Nancy Rosinck et al

Filed May 22nd 1895.
A. B. Munsey Clerk

To the Hon. W. T. Miller,

Judge Circuit Court of Ill. Co.:
Your undersigned special com-
missioner, begs to report that pur-
suant to decree rendered at the
term of your Honor's court on the
day of March, 1897, in the case
of J. T. Giles et al vs. Nancy Roe-
nick et al, directing a deed to
the beneficial purchasers of the
land heretofore sold and re-
ported by your commissioner, he
has drawn and acknowledged
the said deed, pursuant to the
directions of said decree, and here-
with files the same marked "D" for
your Honor's inspection and ap-
proval -

All of which is respectfully
submitted,

E. W. R. Emery,
Sp. Commr.

J. T. Giles et al.
vs. } Report of Bank.
Money Rescued et al.
Com. Ewing.

Filed March 10th 1897
A. B. Munsey Clerk

J.T.Giles et al.

v s.

Nancy Rasnick et al.

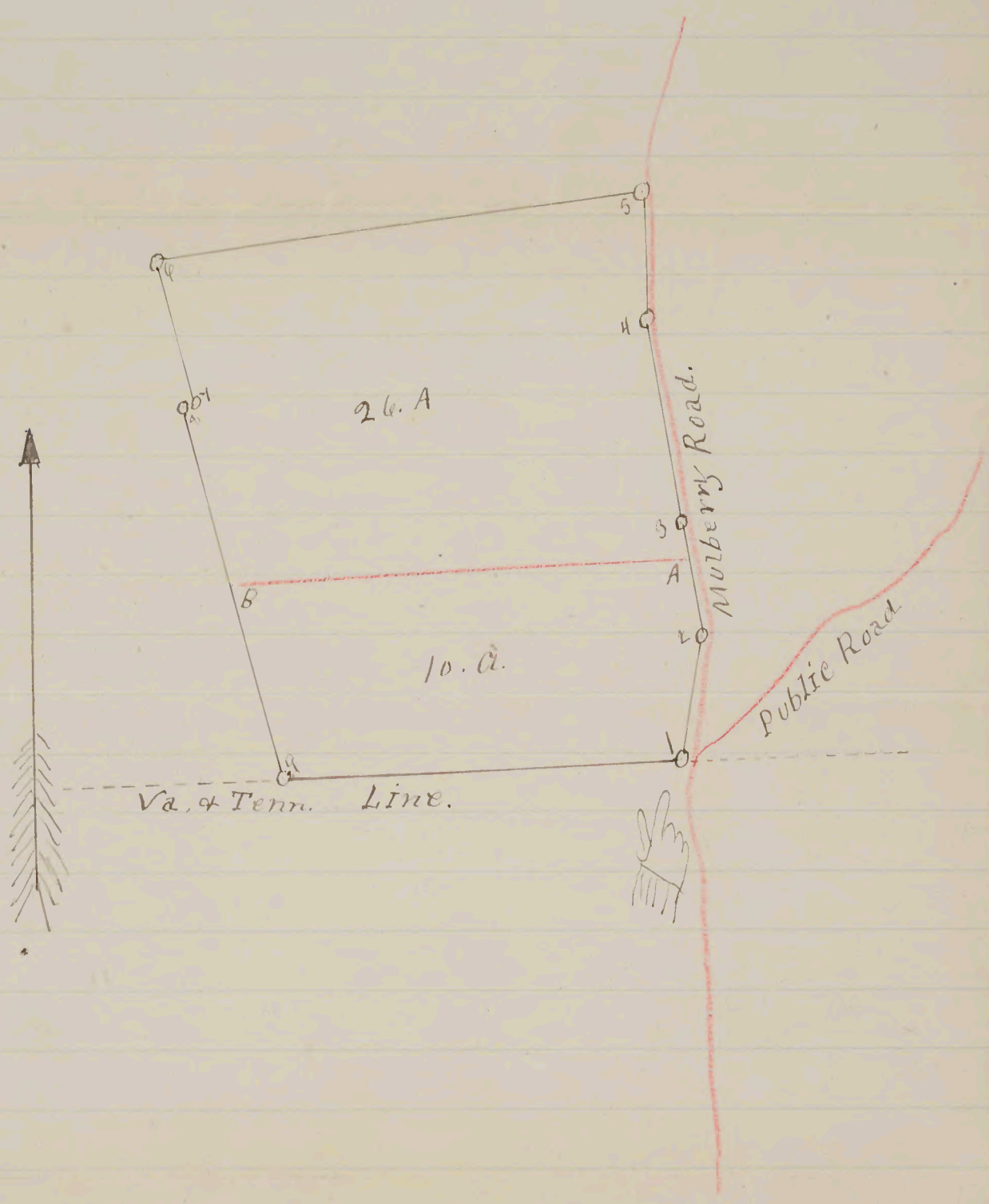
Your undersigned special commissioner begs to report that since the filing of his last report on the ~~22~~²³ day of *May*, 1895, he was directed by J.T.Giles, the purchaser at the sale in said reported mentioned, to let D.~~J.~~^{H.} Banner and H.T.Fergusson have his bid. These men complied with the terms of sale in place of Mr. Giles, paying the purchase price as in the decree of sale required. There was some private arrangement of ~~some~~ some nature between the parties, which was not on that day completed, and your commissioner was requested not to ask this Court to order a deed to any of the parties until further notice, and for this reason his report was delayed for a time, during which the papers were lost, and have only recently been found. Your commissioner notices that some of his receipts of disbursement are gone, one which he remembers in particular, a receipt from W.B.Merriman, — but just for what amount he does not remember, and which receipt was filed in the papers. Your commissioner ⁵disbursed ⁷most, if not all, the funds which were in his hands, but his recollection is that there was a small balance left in his hands which was going to some of the commissioners who assigned dower. But unless all the receipts can be found, he does not know exactly how the matter stands. He asks your Honor not to decree any further payments on his part until he has a reasonable time in which to get duplicate receipts and otherwise ascertain payments which he has made.

All of which is respectfully submitted.

E. W. R. Emery
Special Commissioner.

J. T. Giles et al.
v. } Supl Report.
Nancy Rasmussen et al.

Filed March 2nd 1897
A. B. Munsey Clerk



Plot

Plot

Special Commissioners Notice.

J. J. Gills & W. B. Merriman

vs } In Chancery
Nancy Rasnick et al

Pursuant to the terms of a decree entered in the above styled Cause by the Circuit Court of Lee County, Va, on the 14th day of June, 1894, I will execute the requirements of said decree at my Office in Jonesville, Va, on the 24th day of August, 1894.

Persons having debts against J. J. Rasnick, deceased, should pay them before Me.

This August 2nd 1894.

Wm A. Orr, Sr, Comr.

I accept legal service for the plffs
This August 2nd 1894.

James W. Orr Atty for plff.

A copy of the notice I posted.

Wm A. Orr, Sr, Comr.

J. T. Miles et al
vs Lewis Notice

Nancy Rasmick et al
Aug 24 - 1894

"a"

Notis inside.

Wm. A. Ott, Jr., Lewis.

Virginia

At a circuit Court continued
and held for Lee County at the Court
house thereof on Thursday June the 14th
1894

J. T. Giles & W. B. Merriman Plffs
against
Nancy Rasnick et als Defs } In Chancery

This cause came on again to be heard
upon the papers formerly read in the cause
and the report of Wm A Orr Commissioner
filed in the cause March the 26th 1894, to
which there are no exceptions and was
argued by counsel. On consideration
thereof said report is confirmed and it is
adjudged ordered and decreed that G. C.
Elliott, L. B. Quillen and J. F. Haden
who are appointed Commissioners for the
purpose do lay off and assign to Nancy
Rasnick widow of J. J. Rasnick deceased
her dower in the land owned by him
at the time of his death, in this County
and State, ^{and} in said report mentioned, and
they will report their action to the next
term of this Court. And it being suggested
to the Court that there are other debts
against the estate of said J. J. Rasnick decd
not reported by said Comr Orr it is

The Estate of J. J. Rasmie dec'd To W. H. McNeil

					Dr
					bal old
1891	Sept. 4	Dr	balance due on acct.		10 00
"	" 5	"	visit self		2 00
"	" 8	"	" "		2 00
"	" 11	"	" "		2 00
"	" 14	"	" "		2 00
"	" 16	"	" "		2 00
"	" 18	"	" "		2 00
"	" 19	"	" "		2 00
"	" 20	"	" "		2 00
					<u>26 00</u>

Commonwealth of Virginia
Lee County

Personally came before me Hezekiah Cunningham
a Justice of said County the undersigned W^m H. McNeil
J. N. Glass, and made oath in due form of law
that the above account is true and just this the 9
day of Feb, 1894

Subscribed and sworn to before me the 9th day of
Feb 1894 J. N. Glass
Hezekiah Cunningham J.

Wm McNeil
V.D. 3 acct
J. J. Rosmie Est

Allanist.
Opp. Agm

This deed made this the 10th day of March, 1897, between E.W.R. Ewing, Commissioner in the case of J.T. Giles et al vs. Nancy Rasnick et al, in the Circuit court of Lee county, Virginia, and J.B. Rasnick, A.J. Rasnick, G.C. Rasnick and W.L. Rasnick of the second part, Witnesseth that whereas on the day of March, and at the March term of the said court, a decree was rendered in the above cause directing that a deed be made to the parties of the second part to the land in the bill and proceedings mentioned, they having become the beneficial purchasers of the said land, and all the terms of sale having been complied with by the payment of \$75.00 the amount of the bid of the said J.T. Giles by the said parties of the second part, the said Giles having as is shown by the report of the party of the first part transferred his interest in the said bid to David Banner and H.T. Fergusson, and they, having by a writing filed in the papers directed said deed to be made to the said parties of the second part, therefore in consideration of the premises, the said parties of the first part hereby grants, bargains, sells and conveys unto the said parties of the second part, with covenants of special warranty, subject to the dower of the widow, all that part of a certain tract or parcel of land lying and being in Lee county, Va.; the same being the land purchased from William Thomas, and lying mostly in the State of Tennessee, and the county of Hancock, that part hereby conveyed lying in this county, at the time the said suit was brought adjoined lands owned by William Vincel and others, and contains a cres. To have and to hold the said tract or parcel of land unto the said parties of the second part, their heirs and assigns forever, together with all rights and appurtenances thereunto belonging.

Witness the following signature and seal.

E. W. R. Ewing (seal)
Commissioner

Virginia,

Lee county, to wit:

I, James W. Orr, a Commissioner in Chancery for the Circuit court of Lee county and state of Virginia, do certify that E.W.R. Ewing, Commissioner, whose name is signed to the above writing bearing date on this the 10th day of March, 1897, acknowledged the same before me in my county aforesaid.

Given under my hand this the 10th day of March, 1897.

James W. Orr, Commissioner in Chancery

E. W. R. Ewing,
Commissioner

To } Debt -

W. L. Rasmussen et al

Know all Men by these Presents, That we E. W. R. Ewing, George M. Blankenship and James M. Orr.

are held and firmly bound unto the Commonwealth of Virginia, in the sum of Two hundred & fifty dollars, to payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents, hereby waiving the benefit of our homestead exemptions as to this obligation, and any claim, right, or privilege to discharge any liability arising under this bond, or by virtue of said office or trust, in any currency, funds, counter claims or offsets other than legal-tender currency of the United States. Sealed with our seals, and dated this 17th day of December one thousand eight hundred and Ninety four

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound E. W. R. Ewing shall faithfully perform the duties of his office or trust, as Commissioner

under a decree of the Circuit Court of the County of Lee, pronounced on the 14th day of November, 1894, in the suit therein depending under the name and style of G. T. Giles, and W. B. Merriman against Nancy Rasnick

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in the presence of

E. W. R. Ewing [SEAL.]
George M. Blankenship [SEAL.]
James M. Orr [SEAL.]

In the Clerk's Office of the Circuit Court of the County of Lee.

This day Geo M Blankenship and James M Orr sureties on the above bond, made oath before me A. B. MUNSEY, Clerk of the Circuit Court of the County of Lee, that Their estate after the payment of all their just debts, and those for which They bound as security for others, and expect to have to pay are worth the sum of Two hundred dollars.

Given under my hand this 17th day of December 1894

Teste:

A. B. Munsey

Clerk

A Copy

Teste A. B. Munsey clk

J T Giles et al

to { COMMISSIONER
BOND.

Commonwealth.
Nancy Rasnick et al

Know all men by these presents that we
J. T. Giles and George W. Blankenship are held
and firmly bound unto the Commonwealth of
Virginia in the just and full sum of
Two hundred dollars, for the payment thereof
well and truly to be made to the said Common-
wealth, we bind ourselves, heirs, executors
and administrators, jointly and severally firmly
by these presents. And we waive the benefit
of our homestead exemption as to this bond.
The condition of the above obligation is such
that whereas E. W. R. Ewing, Commissioner in
the Chancery cause of J. T. Giles & W. B. Merriman
against Nancy Rasmick et al., sold the tract
of land in said cause, ^{decreed to be sold,} at the Feb term 1895,
of Lee County Court, for the sum of \$62.00
to W. B. Merriman, and the above bound
J. T. Giles having filed his petition in said
cause proposing to make said land on a resale
bring the sum of Seventy five dollars.
Now if the said J. T. Giles shall, on a resale
of said land, make said land bring the sum
of \$75.00 then the above obligation to be void
otherwise to remain in full force and virtue.
Witness our hands and seals. this 6th day of
March 1895.

J. T. Giles *read*
Geo. W. Blankenship *read*

J. T. Giles et al

Do { Band on upset lid
3

The Commonwealth.

James O'Leary
No

ENDORSEMENT

PRESIDENT GARFIELD'S

ENDORSEMENT OF THE

INVALIDS' HOTEL AND SURGICAL INSTITUTE

AND ITS

The following letter, from a prominent lawyer of Tennessee, is noteworthy, inasmuch as the estimation in which Dr. Pierce and the institutions which he has founded were held by the lamented Garfield, who was one of the Doctor's intimate friends and colleagues while he was serving as a member of Congress:

OFFICE OF H. F. COLEMAN
AT LAW
ST. LOUIS, MO., Aug. 11, 1894
World's Dispensary Medical Association, 663 Main Street,
Buffalo, N. Y.

GENTLEMEN: Your letter of the 1st ult. just received, and contents noted. I am perfectly satisfied with the explanation, and am glad to hear that your letters written you some days ago, and which are very irregular, as you know, and we are too apt to be impatient and attribute our mishaps to the wrong cause. Your honesty, integrity, and ability are not doubted in the least by me.

I have, perhaps, a higher endorsement of you than any other patient under your care, and for your gratification I will give it to you.

Some time since I was in conversation with Congressman Pettibone, of this State, when the following conversation took place: "You say," said the Major, "that you have visited Dr. Pierce's medical establishment in Buffalo, New York?" "Yes, sir, I did." "You found everything as represented?" "Yes, sir, as was represented, and which assure you was quite correct." "I traveled to a man who had traveled as far as I could to an institution of that kind," said the Major, "is one

during my first term. I was one day as in President Garfield's room, and a fine-looking, respectable gentleman came in, and President Garfield rose and took him by the hand and said, "Good morning, Doctor, I am so glad to see you," and then turned and introduced him to me as Dr. Pierce, of Buffalo, New York. Knowing the Doctor by reputation, and having seen his pictures, I at once recognized him. He, in a short time, left the room, and Garfield said to me, "Major, that is one of the best men

unbounded confidence
H. F. COLEMAN.

1886.

S	7	14	21	28
M	1	8	15	22
T	2	9	16	23
W	3	10	17	24
T	4	11	18	25
F	5	12	19	26
S	6	13	20	27

NO VEMBER.

MEMO. ANDA THAT WILL
 SAY DISPUTES WITH
 FRIENDS AND
 NEIGHBORS.

1887.

S	6	13	20	27
M	7	14	21	28
T	1	8	15	22
W	2	9	16	23
T	3	10	17	24
F	4	11	18	25
S	5	12	19	26

\$3000

By the first
 day of Nov 8
 promise to pay
 to J. J. Baker the
 just and full
 amount of thirty
 thousand \$3000
 on 8 per B. & W.
 the Banitids at
 all rates as to
 this debt in 1890
 1st day 1890
 J. J. Baker

\$20⁰⁰/₁₀₀ One day after date I Promise to pay
to the order of Mrs Jayne. twenty dollars
per value received of him and I here by
waiver the benefit of my home stead exemption so
for as this debt is concerned June 1st 1891
witness my hand and seal.

C.R. Westerson witness

J J Rennie Seal

\$11⁰⁰ on the within note
Seven dollars
by J. C. Gillewaters
Adm the 16 day
of Sept 1893

Credit the within
note three Dollars and
eight cts by J. C.
Gillewaters Adm
this Jan 17 1894

"Three"

W. H. Pernie
to Make \$ 28.08

Assign the within
note to J. A. Gles this
23 of March 1894
William Payne

Virginia: In the Circuit Court of Lee County
J. T. Giles vs J. D. Chaucery
H. D. B. Merriman
Nancy Rasnick et al

I, Wm. A. Orr, Clerk in
the above styled Cause do Certify that
J. T. Giles made oath before me that
there is just and due on the
enclosed and attached note the
sum of \$2.62. This Sept 17th 1874.
Wm. A. Orr
Clerk.

J. Y. Giles

v3 } Not \$2.62

J. J. Rannick

"One"

\$100.⁰⁰

One day after date we promise to pay to
the order of William Jayne the full and just
sum of an hundred dollars. value received of
him and we hereby waive the benefit
of our homestead exemption as to this debt.
Given under our hands and seals this
the 25th day of Nov. 1890

J. J. Roanick (seal)

H. J. Geary (seal)

W. B. Munman (seal)

Or the within note by cash 1500. Dec 21 1892

by the hand of J. B. Gules. Administrator

by the within note by cash \$1000 Jan. 13 1893

Or the within in 34 dollars

This 11 day of Sept 1893

by the hand of J. B. Gules

1493 Or the within in fourteen
dollars & 93 cents this 21

was 1870 of 24
to the bank of J. B.

day of Nov 1893
by J. B. Gules Admin

I assigne the within to W. B. Menden
without reserve Nov. 24 1892

William Payne

Twelve months after date we
bind our selves heirs &c jointly and
severally to pay William Payne
Administrator of C. L. Owen dec'd
Fifty Six dollars and 10 cents
value received and as to this debt
we each waive our homestead
Exemption Witness our hands and
and seals this 15th day of January

1871

J. J. Raznick (seal)
J. J. Giles (seal)

65. The within
still 30.50 thirty
dollars and 50 cts
by J. C. Hillenwaters
Adm. this 16th
of Sept 1893

7.85 On the within
seven dollars and
eighty five cts
by J. C. Hillenwaters
adm
this 22nd of Feb 1894

J. J. Burnick
to Kate \$ 56.10

Ann Rasmick

Bradley Rasmick

Alexander Rasmick

Orin Rasmick

Minnie Rasmick

Kitty Rasmick

Etta Rasmick

Rosa Rasmick

Nancy Rasmick (widow)

J. H. Giles
Notes &c.

Notes.

Net fund from sale of Rawick land

\$ 21.25

Debits reported, Giles. 25.33

" 2.62

" 11.74

39.69 + 5.55 =

Merriam 57.11 - 8.00

Mcneil 26.00 - 3.65 =

Banner 28.78 - 4.00 =

150.58 - \$ 21.25 =
Days 14 per ct.

Gilio & Merriam
Memo

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *Nancy Rasnick widow of J. J. Rasnick deceased and William Rasnick, Bradley Rasnick, Alexander Rasnick, Lerit Rasnick, Munnis Rasnick, Kitty Rasnick, Etta Rasnick, & Rosa Rosa Rasnick children & heirs at law of the said J. J. Rasnick dead, and C. E. Flannery Administrator of the Estate of the said J. J. Rasnick deceased*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said Court on the *First* Monday in *February*, 189*4*, to answer a bill in Chancery, exhibited against *them* in our said court by *J. T. Giles & W. B. Murrison*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the *22nd* day of *January*, 189*4*, and in the 11 *8th* year of the Commonwealth.

A Copy Left

A. B. Munsey Clerk.

A. B. Munsey clerk

US.

{
SUBPŒNA
IN CHANCERY.

p. q.

To..... Rules,
Circuit Court.

For Wm Rasnick or
the one that is 21. yrs
old. Not executed
William Rasnick
is not 21 years
old & is being the
oldest child this
Feb 2-1894.
J. M. Weston L.S.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND you, That you summon *Nancy Rasnick widow of J. J. Rasnick deceased William Rasnick, Bradley Rasnick, Alexander Rasnick, Brit Rasnick, Minnie Rasnick, Etta Rasnick & Rosa Rasnick children & heirs at law of the said J. J. Rasnick deceased and C. C. Flannery Administrator of the Estate of the said J. J. Rasnick deceased*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said Court on the *First* Monday in *February*, 189*4*, to answer a bill in Chancery, exhibited against *Them* in our said court by *J. T. Giles & W. B. Memman*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the *22nd* day of *January* 189*4*, and in the *11th* year of the Commonwealth.

A. B. Munsey Clerk.

J. T. Giles

vs. }

SUBPÆNA
IN CHANCERY.

C. E. Flannery Adm^r et al

James M. Orr p. q.

To 1st February Rules 1894

Circuit Court.

Executed by deliver-
ing a true copy of
the within subpoena
to Nancy Kasnick
not farther executed
there being none of her
children 21 years
old. this Feb 2 1894
J. M. Weston L. S.
for C. E. Flannery
S. L. C.

I accept the legal service of the within subpoena
this the 2nd day of Feb 1894 - C. E. Flannery, S. L. C.